

Fauquier County, Virginia



Farmland Preservation Program Purchase of Development Rights Application

April 1, 2020 – June 30, 2020

Fauquier County

Agricultural Development Department
35 Culpeper Street
Warrenton, VA 20186
Tel: 540-422-8280 Fax: 540-422-8277

Farmland Preservation Program Purchase of Development Rights Application

Instructions to Applicant:

- Because issues involved in completing a conservation easement can be complex, it is recommended that applicants consult their attorney and accountant. This is especially important if you are undertaking estate planning. Be sure to discuss the potential for applicability of the state income tax credit and Federal tax deduction associated with a bargain sale. The County of Fauquier and any co-holder make no representation regarding the applicability of any tax benefits associated with State or Federal programs.
- It is important that all property owners are in agreement.
- Please provide the following information:
 1. **Application Form.** Type or print in dark ink. Complete all items or state "information not known." If additional space is needed, please attach a separate page. **All owners of the property must sign the application.**
 2. **Deed.** A copy of the original deed, with deed book and page number stamp, under which the owners acquired the property.
 3. **Deeds of Trust.** A copy of the original deed of trust, with deed book and page number stamp, if the property is currently mortgaged. **Please note that any current mortgage will need to be subordinated or paid off.**

Applications are being accepted from **April 1, 2020** through **June 30, 2020**.
Completed applications must be received no later than June 30, 2020 at 4:30 p.m. to:

Fauquier County Agricultural Development Department
Raquel Kines, PDR Program Associate
35 Culpeper Street
Warrenton, VA 20186
Raquel.Kines@fauquiercounty.gov

Phone: (540) 422-8280

Fax: (540) 422-8277

(Please type or print in dark ink)

Owner/Contact Person _____

Phone # _____

Email Address _____

Mailing Address _____

Property Address _____

Tax Map/Parcel# _____

FSA Tract & Farm # _____

Property Acreage _____

Zoning Designation _____

Additional Owners of Record

1. Name _____

Phone (if different from above) _____

Mailing Address (if different) _____

2. Name _____

Phone (if different) _____

Mailing Address (if different) _____

3. Name _____

Phone (if different) _____

Mailing Address (if different) _____

Social Security Number 1. _____

(for each owner) 2. _____

3. _____

Type of Ownership _____

(Sole Owner, Husband and Wife, Partnership, Corporation, LLC, Etc.)

List all Deeds of Trust against the Property:

(Note: all existing Deeds of Trust will need to be subordinated or paid off)

Deed Book and Page #

Trustee Name and Address

Beneficiary Name and Address

List all present or pending liens, judgments or court proceedings against the Property (by date, parties involved, instrument number, legal reference or case number):

Is the Property subject to any leases? (Please list type of lease and leaseholder)

Is the Property subject to any easements (utilities, pipeline, historic, environmental, Wetlands Mitigation, access, etc.) or under consideration for any conservation easement?

What are the present principal agricultural uses of the Property (crops, pasture, livestock, timber, recreation, etc.)?

Does the Property contain cropland or pastureland that has been harvested or grazed during the preceding year, or in 3 out of previous 5 years?

☐ Yes ☐ No ☐ Don't know

Approximate acreage in open areas

(pasture, cropland, fallow land)

Have the owners implemented any of the following Soil and Water Quality Conservation Plan Categories?

<input type="checkbox"/> Nutrient Management Plan	<input type="checkbox"/> Conservation Tillage
<input type="checkbox"/> Grazing Land Protection	<input type="checkbox"/> Cover Crops
<input type="checkbox"/> Structural Practices	<input type="checkbox"/> Streambank Protection
<input type="checkbox"/> Wet Lands	<input type="checkbox"/> Don't know

Has a Soil and Water Quality Conservation Plan that meets Fauquier County and John Marshall Soil and Water Conservation District requirements been approved on the parcel?

☐ Yes ☐ No ☐ Don't Know

List the number of dwellings on the Property and their use:

List the number of structures on the Property and their use:

Is the Property within a national or state historic/archaeological district or does it contain a natural or state historic landmark?

☐ Yes ☐ No ☐ Don't Know

If yes, explain:

Does the Property contain areas of archaeological significance identified by an archaeologist?

☐ Yes ☐ No ☐ Don't know

If yes, explain:

Is the Property enrolled in an Agricultural or Forestal District?

☐ Yes ☐ No ☐ Don't know

If yes, explain:

The purpose of the PDR Program is to purchase as many development rights as are available; however there are circumstances in which retention of rights is allowable. Do you intend to retain any development rights? *In general, a maximum of one (1) retained development right per 100 acres is acceptable but it is recommended applicants discuss this option with Agricultural Development staff.

☐ Yes ☐ No ☐ Don't know

If yes, how many development rights do you wish to retain? For what purpose?

Landowners whose properties qualify for the PDR Program and are accepted by the Board of Supervisors are compensated as listed below.

- 1. A flat fee of \$25,000 per development right.**
- 2. For parcels adjacent to service districts, up to \$15,000 additional payment per development right, based on appraisal and negotiation.**
- 3. Landowner agreement to implement water resource protection, up to \$5,000 additional payment per development right.**

The total number of development rights for land submitted under this application is determined by the Fauquier County Zoning Department.

NOTE: If it is determined that the existing legal description of the property is uninsurable, then the landowner will be responsible for providing a legal description which is acceptable to the title company representing the county in this transaction. If there is split zoning on a property, the county will be responsible for obtaining a survey to exclude the non-RA or non RC zoned land.

[SIGNATURES ON NEXT PAGE]

I/We hereby make application to Fauquier County for the sale of development rights on the tax parcel(s) identified above on this application form pursuant to the Purchase of Development Rights Program. I/We understand and acknowledge that I/We incur no obligation by completing this application, and that Fauquier County incurs no obligation by its acceptance of this application. I/We hereby certify that, to the best of my/our knowledge, the information contained in this application and attached materials are true and correct. I/We grant permission to the Agricultural Development Officer or his designee, and County staff, to enter the property, after reasonable notice to the contact person identified above on this application form, for the purposes of evaluating the parcel(s). Furthermore, I/We grant permission for the Agricultural Development Officer or his designee to have access and obtain information from the John Marshall Soil and Water Conservation District, Fauquier County Soil Scientists, and from the USDA Farm Service Agency for the purposes of ranking and evaluating the parcel(s).

ALL OWNERS OF RECORD MUST SIGN AND DATE THIS APPLICATION:

_____ Signature	_____ Date
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Printed Name

_____ Signature	_____ Date
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Printed Name

_____ Signature	_____ Date
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Printed Name

(Please attach separate sheet if additional signatures are required)

Disclaimer: This Application Form is not a legally binding agreement between the Owner/Applicant(s) and Fauquier County. It is strictly for informational purposes in processing the application.

All application information becomes available to the public by formal request in accordance with the Freedom of Information Act.

Separate Affidavit to be completed by each landowner of record who receives farm income generated from this parcel

AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

Personally appeared before me, the undersigned Notary Public, in and for the State and County aforesaid,
_____ who, after first being duly sworn, deposes and says:
(Landowner's printed name)

- (1) That I am the owner of the property that is the subject of the application submitted to the County for the purchase of the development rights.
- (2) I certify that in prior years, the property which is the subject of the application has generated income as shown (including income from rental houses):
 - a. Total Gross Farm Income 2019: \$ _____
 - b. Total Gross Farm Income 2018: \$ _____
 - c. Total Gross Farm Income 2017: \$ _____

For purposes of this Affidavit, "farm income" is defined as "that income which may be listed as income on Internal Revenue Service Schedule F and also income derived from all tenant houses located on the subject property, and income derived from timbering the property," and

- (3) That I (and my spouse, if married) have had combined non-farm income for corresponding years as shown:
 - a. Combined Gross Non-farm Income 2019: \$ _____
 - b. Combined Gross Non-farm Income 2018: \$ _____
 - c. Combined Gross Non-farm Income 2017: \$ _____

GIVEN under my hand this _____ day of _____, 2020.

(Landowner's signature)

(Landowner's signature)

Taken, subscribed and sworn to before me, _____, a Notary Public in and for the County and State aforesaid, this _____ day of _____, 2020.

Notary Public

My commission expires: _____